

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

LAWRENCE J. BROWN

:
:
: Crim. No. 11-341 (SDW)
:
: **ORDER**
:

This matter having come before the Court by Paul J. Fishman, United States Attorney for the District of New Jersey (Mala Ahuja Harker, Assistant United States Attorney appearing), for an Order correcting page one of the Indictment; specifically with respect to the location of the defendant's underlying prior felony conviction, correcting the county and court in which he was convicted from "Superior Court of New Jersey, Union County" to "Superior Court of New Jersey, Essex County," after determining that a typographical error appeared in the original Indictment; and it being determined that typographical and obvious clerical errors may be corrected in such a manner, *see, e.g., Russell v. United States*, 369 U.S. 749, 770 (1962) ("settled rule in the federal courts that an indictment may not be amended except by resubmission to the grand jury, unless the change is merely a matter of form).

Having found such Order to be appropriate and good cause having been shown, the Court makes the following findings in support of entering such Order:

1. The proposed correction results in a technical, rather than a substantive change to the Indictment;
2. The United States has represented that there is no additional discovery relating to the proposed typographical correction; and

3. The United States has represented that the defendant, Lawrence Brown, through his attorney, Patrick McMahon, Assistant Federal Public Defender, has no objection to the proposed correction to the Indictment.

IT IS, therefore, on this 25th day of October, 2011,

ORDERED that:

- A. Page 1 of the Indictment will be corrected to read that defendant Lawrence J. Brown was previously convicted of a crime punishable by imprisonment for a term exceeding one year in the Superior Court of New Jersey, Essex County, rather than Union County; and
- B. The Indictment will be filed with the new corrected page 1.



HON. SUSAN D. WIGENTON
United States District Judge